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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,838	12/30/2003	Kenneth Schoenberger	746-A03-009	2758

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SUITE 115
MIAMI, FL 33180

EXAMINER

TAWFIK, SAMEH

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Tate

Office Action Summary	Application No. 10/748,838	Applicant(s) SCHOENBERGER ET AL.	
	Examiner Sameh H. Tawfik	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall (4,441,626).

Hall discloses a method for making a box comprising the steps of corrugating a flute medium (Figs. 3 and 7; via 97); adhering the corrugated flute medium to a kraft liner side of a first lamination comprised of kraft liner laminated to a metallized plastic film serving as a radiant barrier layer (Figs. 3 and 7; via 112; column 5, lines 15-19); corrugating flute medium (via 98); adhering the corrugated flute medium to a kraft liner on one side of a laminated sandwich between two kraft liners (Figs. 3 and 7; via 114); adhering the flute medium to a kraft liner on the other side of the laminated sandwich (Figs. 3 and 7); adhering the flute medium to a kraft liner side of a lamination comprised of a kraft liner laminated to a metalized plastic film serving as a radiant barrier layer (Figs. 3 and 7); and forming into a box (Figs. 1 and 2).

Hall does not disclose that the used flute medium is "B" and "C" type. However, the examiner takes an official notice that such "B" and "C" flute medium types are old, well known, and available in the art to be used for making strong containers.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted Hall's flute medium, by using the "B" and "C" flute

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type medium, as an engineering design choice, in order come up with strong card boards to be used for making stronger containers.

Hall neither discloses the use of a second metallized plastic film as barrier layer. However, Hall uses only one barrier layer 112. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Hall's method by using a second metallized plastic film as barrier layer, in order to strongly tie the container from any outside effect, and it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 6: the adhering step of metallized plastic film serving as a radiant barrier layer (via 112) and forming into box step take place together, see for example (Figs. 5, 5A, 7, and 9); note that while adhering the barrier layer 112 to the flute medium, there is another step for forming the box downstream of the apparatus.

Regarding claim 7: Hall does not disclose the adhering is effected using a water resistant starch. However, the examiner takes an official notice that water resistant starch adhesive is old, well known, and available in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have combined Hall's adhesive layer along with water resistant starch adhesive, in order to strongly glue the box layers and avoid any water damage to the box layers.

Regarding claim 8: Hall does not disclose that the metallized plastic film is polyester metallized film. However, the examiner takes an official notice that polyester film layers are old, well known, and available in the art.

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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted Hall's film layers by using polyester film layers as it is known in the milk and juice containers, in order to make the container capable of carrying liquid with no damage to the layers.

Regarding claim 9: Hall does not disclose the exact kraft liner of first, second, sandwich, nor "B" and "C" media as 57#, 26#, and 33#. However, the examiner takes an official notice that such exact numbers of kraft liner are old, well known, and available in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Hall's kraft liner numbers, by using 57#, 26#, and 33#, as an engineering design choice, in order to strengthen the layers.

Response to Arguments

Applicant's arguments with respect to claims 5-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST.



Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700